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**FILED**

**JAN 22 2016**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

*Attorneys for Utah Division of Oil, Gas and Mining*

**BEFORE THE UTAH BOARD OF OIL, GAS AND MINING**

*In the matter of:* reclamation at  
the Elite Rock-West mine,  
permit no. S/049/0050, operated  
by Wasatch Mountain  
Excavating, located southwest  
of Elberta in southwestern  
Utah County, Utah

**JOINT MOTION TO CONTINUE**

Docket No. 2015-023  
Cause No. S/049/0050

The Utah Division of Oil, Gas and Mining and Wasatch Mountain Excavating (together, the Parties) jointly move the Utah Board of Oil, Gas and Mining to continue the Elite Rock–West matter, docket no. 2015-023, until the regularly scheduled hearing on March 23, 2016. The grounds for the continuance follow:

1. The underlying Notice of Agency Action (NOAA) is an action to forfeit a reclamation surety held for the Division’s benefit and to use the forfeited funds to conduct reclamation at the Elite Rock–West mine site.

2. After a stipulated forfeiture agreement fell through, Wasatch Mountain mobilized two pieces of equipment to the site and began reclamation in late November. The Division made several site visits in 2015, and continues to monitor reclamation activities.
3. December's weather encumbered Wasatch Mountain's efforts, but reclamation resumed in January and is ongoing. The site work, however, will not be completed prior to January's Board hearing. Further, the winter weather may delay completion until after the February hearing as well.
4. The Parties represent that Wasatch Mountain has made significant progress towards completing the reclamation work required.
5. The land owner's representative has indicated his approval of the work completed thus far.
6. This forfeiture action is not ripe to proceed while reclamation is in progress.
7. Taking into account the possibility of further weather-related delay, the Parties anticipate that reclamation earth work will be completed, and this action withdrawn, in early 2016 (with March as a target).

The Parties submit that these reasons show good cause to continue the hearing in this matter until March 23, 2016.

Respectfully submitted on the 22nd day of January, 2016.

UTAH OFFICE OF THE ATTORNEY GENERAL



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## Certificate of Service

I certify that I served the above **Joint Motion to Continue** to the following parties on January 21, 2016:

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